

Robert C. McLane, et al.	"	No. 10447 Equity
	"	
vs.	"	In the Circuit Court for
	"	
Florence May Derr, et al.	"	Frederick County, In Equity.
	"	

To the Honorable Judges of said Court;

I hereby offer to purchase, subject to the ratification of the Court, the real estate described in the annexed advertisement, and designated therein as parcels Nos. 1 and 2, at and for the sum of Two Thousand (\$2000) Dollars, subject to the widow's dower, as therein mentioned.

And I hereby obligate myself to comply with the terms of sale as set forth in said advertisement.

I hereby deposit my certificate check for the sum of Five Hundred (\$500) Dollars, as evidence of good faith said check to be returned in the event this offer is rejected.

Witness my hand and seal this 26th day of August, 1922.

Test; T. L. Jr.

John N. Lawler (seal)

(Filed June 11-1923)

OPINION OF COURT.

**No. 10447 Equity.**

Robert C. McLane,	"	In the Circuit Court
unmarried, et al.	"	
	"	for Frederick County
vs.	"	
	"	sitting as a Court of
Florence May Derr,	"	
widow, et al.	"	Equity.

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In this case objections have been filed to the ratification of the sale of the real estate reported as made by the trustees to Mrs. Georgianna S. McLane, it being the house and lot, and adjoining vacant lot, situated on West Patrick Street and described in the advertisement of sale under paragraphs numbered one and two. The principal ground of objection is that Mrs. Georgianna Stull McLane, the purchaser of the property, stifled competition and chilled the bidding at the sale so that the property sold for much less than its real value. The cases cited in support of the objectors' exceptions are as follows; 6 C.J., Sec. 31. Page 830

2 R.C. 1. title "Auctioneer", Sec. 16, page 1131-32 Burns vs. Cole 41 Am. Dec. 228 Herndon vs Gibson, 20 L.A. 545-48.

It is no doubt true as a general rule that where a person who afterwards becomes the purchaser at a public auction, undertakes to stifle the bidding by his words or conduct, that the sale will not be ratified. In the case at bar the purchaser of the property, Mrs. Georgianna Stull McLane, is the widow of Harry O. McLane, who died intestate on February 11, 1903. The property offered at public sale by the trustees in this case has been the property of Rufus A. McLane, father of Harry O. McLane, the father having died intestate on November 25, 1901, leaving surviving him besides his only son, Harry O. McLane, as his only heir at law, a widow, Margaret J. McLane, who died thereafter on June 1, 1921. Harry O. McLane intermarried with Georgianna Stull McLane and left surviving him an only daughter whose name was Helen Stull McLane who died, aged about two or three years, on October 17, 1903, about eight months after her father's death. From the death of Rufus A. McLane on November 25, 1901, until the death of Mrs. Margaret J. McLane, his widow, on June 1, 1921, the two ladies both of whom were widows after the death of Harry O. McLane on February 11, 1903, occupied the premises which were bought by Mrs. McLane at the trustees sale made on July 29, 1922. Sometime prior to the sale a bill in equity was filed by the brothers and sisters of the said Rufus A. McLane, deceased, and by certain descendants a deceased sister of the said Rufus A. McLane, praying for a sale of this property for the purpose of